IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1897 OF 2004

Abida N. Shipra .. Petitioner.

V/s.

The State of Maharashtra & Anr. .. Respondents.

Shri S.P.Halwasia i/by Halwasia & Co. for Petitioner.
Shri S. R. Shinde, APP for Respondent-State.
Shri R.V. Samual for Respondent No.2.

CORAM : A.M.KHANWILKAR, J.
DATED : 18.10.2004

PC :-

. Heard the learned counsel for the parties.

. Rule. Rule made returnable forthwith. By consent heard finally.

. Shri S.R. Shinde, APP waives service of notice for respondent No.1 State. Shri R.V. Samual waives notice for respondent No.2.

. As short question is involved in this petition, therefore, the same is taken up for final disposal by consent.

. This petition is filed for quashing the criminal case No. 477/P/2003, pending before the 15th Metropolitan Magistrates' court at Mazgaon, Mumbai, which was instituted at the instance of respondent No.2 for an offence punishable under sections 465, 406, 468, 420 of IPC. During the pendency of this petition, parties have arrived at an amicable arrangement under which the dispute has been finally resolved inter se. Besides, the amount which was payable to respondent No.2 has been duly paid and accepted by respondent No.2. Petitioner as well as resopndent No.2 are personally present in the court and respondent No.2, in particular submitted that in view of the subsequent development, respondent No.2 is not interested in pursuing the matter against petitioner. Having regard to the peculiar facts and circumstances of the present case and as respondent No.2 has withdrawn all allegations against petitioner, the appropriate course, in the interest of justice, to my mind is to allow this petition in terms of prayer clause (a), which reads thus :-

> (a) this Hon'ble court be pleased to callfor the records and proceedings of the case No.477/P/2003 pending before the Metropolitan

Magistrate 15th court Mazgaon, Mumbai and after going through the legality and validity of the case quash and set aside the same and the criminal proceedings therein, pending before the learned Metropolitan Magistrate 15th Court Mazgaon, Mumbai.

. The consent terms duly signed by the respective parties as well as their Advocates tendered,taken on record.

. Order accordingly.

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